

REMARKS

The Examiner has required an election of species in the present application. The Examiner has required that Applicants elect a single specific non-human animal model, such as:

a) a non-human animal that develops an autoimmune disease, wherein the autoimmune disease is one of the diseases cited in claim 13; or

b) an auto-antibody-producing non-human animal with a FAS function defect, such as those recited in claims 5, 9 and 14-25.

For the purpose of examination of the present application, Applicants elect the following single specific non-human animal models: a) systemic erythematoses, and b) MRL/lpr mouse.

Since the indicated species are found in dependent claims, Applicants believe that at least claims 1-9 and 13-25 encompass the indicated species.

Applicants are aware that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

According to US practice, Applicants understand that they must elect a single species for further prosecution. However, once the Examiner finds allowable subject matter based upon the single species elected, the Examiner is required to then expand the search to include a reasonable

number of additional species. As provided in the M.P.E.P. at § 809.02 and stated by the Examiner:

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

- ☒ Attached is a Petition for Extension of Time.
- ☒ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: September 29, 2008

Respectfully submitted,

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for Gerald M. Murphy, Jr.
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